

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DERRICK ANDERSON,

Plaintiff,

- v -

9:08-CV-176

P. NAUGHTON, Deputy of security; B.
SHARPSTENE, Correction Officer; D.S.
HULL, Correctional Officer; and SGT. FREY,
Sergeant, All of Oneida Correctional Facility,

Defendant.

APPEARANCES:

OF COUNSEL:

DERRICK ANDERSON
Plaintiff Pro Se
1014 Kenmore Avenue
Buffalo, NY 14216

HON. ANDREW M. CUOMO
Office of Attorney General
State of New York
Department of Law
The Capitol
Albany, New York 12224

ADRIENNE J. KERWIN, ESQ.
Assistant Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Derrick Anderson, brought this civil rights action in February 2008, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated March 16, 2010, the Honorable David R. Homer, United States Magistrate Judge, recommended that defendants' motion to dismiss the complaint for Anderson's failures to appear for his deposition or for the Court conference (docket No. 52) be granted and that the amended

complaint be dismissed as to all claims and all defendants. The plaintiff has filed objections to the Report-Recommendation.

Based upon a de novo review of the Report-Recommendation and the entire file, including those portions to which the plaintiff has objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

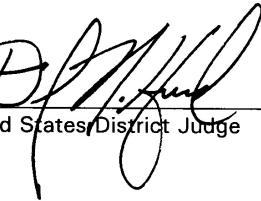
Accordingly, it is

ORDERED that

1. Defendants' motion to dismiss the complaint is GRANTED;
2. The amended complaint is DISMISSED as to all claims and all defendants; and
3. The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: May 21, 2010
Utica, New York.



United States District Judge